

Elson Advocacy

October 4, 2022

BY RESS

Nancy Marconi
Registrar
Ontario Energy Board
2300 Yonge Street, Suite 2700, P.O. Box 2319
Toronto, Ontario M4P 1E4

Dear Ms. Marconi:

Re: EB-2022-0024 – Elexicon Energy Inc. – 2023 Distribution Rate Application

We are writing on behalf of Environmental Defence to request intervenor status and costs eligibility in the above proceeding as a leading environmental organization that represents both the public interest in environmental protection and the interests of consumers whose energy bills can be reduced through measures that lower both costs and environmental impacts, such as cost-effective distributed energy resources (“DER”).

Late intervention request

We request that the OEB accept this intervention request even though it is being submitted after the deadline and after the first procedural order. This is warranted because it would cause no prejudice, result in no delay to the hearing timetable, and ensure that the OEB has the benefit of an important perspective on the proposed smart grid and DER-enabling investments, as detailed below:

- **Diligence:** Environmental Defence only learned of the ICM request for smart grid and DER-enabling investments late this afternoon. We have moved as quickly as possible to immediately submit this late intervention request.
- **No prejudice:** This late intervention request will not disadvantage or prejudice any party.
- **No delay:** Approving this intervention request would not impact the schedule for this proceeding. Environmental Defence commits to submit interrogatory responses tomorrow. They will be brief and we expect the applicant can provide responses within the October 13, 2022 deadline. However, if the Applicant indicates that it cannot do so, Environmental Defence would agree to forgo interrogatories to ensure no change to the schedule is required.
- **Important perspective:** Environmental Defence would provide an important interest and perspective that is not represented by the approved intervenors thus far, namely an environmental interest and policy perspective. In addition, as counsel for Environmental

Defence, I sit as a member of the Distributed Energy Resources Connections Working Group, as well as its technical and process subgroups, and a member of the Framework for Energy Innovation Working Group, and its benefit-cost analysis subgroup. This perspective could help to inform the OEB's deliberations if this intervention request is granted.

Nature and Scope of Intended Participation and Interest in Proceeding

Environmental Defence wishes to file interrogatories, participate in the hearing, review and test the evidence, make submissions, and seek a cost award. Environmental Defence's interest arises from the public interest in environmental protection and the interests of consumers whose energy bills can be reduced through measures that lower both costs and environmental impacts. Environmental Defence wishes to address important issues relating to this mandate, focusing on the costs, benefits, and overall appropriateness of the proposed ICM investments in the Whitby Smart Grid Project and the Sustainable Brooklin Project. Environmental Defence does not propose to comment on the mechanistic IRM aspects of this application.

Environmental Defence

A. Mandate and Objectives of Environmental Defence

Environmental Defence has been working since 1984 to protect Canadians' environment and human health. Environmental Defence's mandate and objective is to challenge, and inspire change in government, business and people to ensure a greener, healthier and prosperous life for all. Its vision is to create a world Canadians are proud to pass on to their children.

B. Membership and Constituency

Environmental Defence is supported by many thousands of donors across the province and country. It sees its constituency as Canadians who are concerned about the environment and the legacy that we will pass on to our children.

C. Types of Programs and Activities that Environmental Defence Carries Out

Environmental Defence has been highly successful in its public interest advocacy on energy issues. Environmental Defence's environmental work, on issues ranging from toxic chemicals to clean beaches, has led to concrete improvements in the lives of Canadians. For example, the dangerous chemical Bisphenol A ("BPA") is now banned in baby bottles in Canada due to concerns first raised by Environmental Defence in 2007. For many years, Environmental Defence has participated in the federal government's Chemicals Management Plan.

Environmental Defence is also the coordinator of Blue Flag Canada, which certifies beaches so that Ontario families can enjoy this public resource. It also co-founded Blue Green Canada with the United Steelworkers, which promotes green energy initiatives that have positive employment and economic impacts.

Environmental Defence also publishes reports and guides in the area of energy conservation, efficiency, and policy. For example, it has created an interactive online tool to help energy consumers reduce their bills through energy efficiency initiatives. Some further publications include:

- *Building an Ontario Green Jobs Strategy*
- *Ontario's Electricity System, a Backgrounder*
- *Canada's Methane Gas Problem: Why strong regulations can reduce pollution, protect health, and save money*
- *Powering up efficiency to get the conservation framework right*
- *The \$2 Billion Question - How Can Ontario Reinvest Cap-and-Trade Proceeds to Meet its Climate Challenge and Grow the Economy?*
- *What to Look for in the Canadian Energy Strategy*
- *Backgrounder - Coal and Renewable Energy in Ontario*
- *Building Ontario's Green Economy: A Road Map*
- *Ontario Feed-In Tariff: 2011 Review*
- *The Global Clean Energy Jobs Race: Ontario's Opportunity*
- *Blowing Smoke: Correcting Anti-Wind Myths in Ontario*
- *Faces of Transformation: Jobs, economic renewal and cleaner air from Year*
- *One of Ontario's Green Energy Act*
- *Falling Behind: Canada's Lost Clean Energy Jobs*
- *Greening Canada's Building: Report Card*

These and other reports can be found at <http://environmentaldefence.ca/reports/>.

Requests for Evidence and Addresses of Representative

Environmental Defence requests that electronic copies of the pre-filed materials and all other documents in the proceeding be delivered to the following consultant and counsel:

Electronic copies to:

Jack Gibbons
 Ontario Clean Air Alliance
 160 John Street, Suite 300
 Toronto, Ontario M5V 2E5
 Tel: (416) 260-2080 ext. 2
 E-mail: jack@cleanairalliance.org

Electronic copies to:

Elson Advocacy

Kent Elson
Amanda Montgomery
 1062 College Street, Lower Suite

Toronto, Ontario M6H 1A9
Tel: (416) 906-7305
Fax: (416) 763-5435
E-mail: kent@elsonadvocacy.ca/amanda@elsonadvocacy.ca

We also request that the above individuals be listed on the intervenors' list under Environmental Defence.

Address of Environmental Defence

Environmental Defence's full name and address is:

Environmental Defence Canada Inc.
33 Cecil Street, 1st Floor
Toronto, Ontario M5T 1N1
Tel: (416) 323-9521
Fax: (416) 323-9301

However, please send correspondence and any other materials to both Jack Gibbons and to counsel as the authorized representatives.

Please do not hesitate to contact me if anything further is required.

Yours truly,

A handwritten signature in blue ink, appearing to read 'K. Elson', written over a light blue horizontal line.

Kent Elson

CC: Parties in the above proceeding